

Minutes of the Regular Agenda Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Tuesday, December 20, 2022, at 6:00 p.m., at the City of South Tucson Council Chambers, 1601 S. 6th Avenue, South Tucson, Arizona.

Staff Present: Veronica Moreno, Interim City Manager
Lourdes Aguirre, Finance Director
Danny Denogean, Public Safety Director and Chief of Police

Councilors Present: Mayor Paul Diaz
Vice Mayor Herman Lopez
Acting Mayor Rita Rogers
Councilor Anita Romero
Councilor Cesar Aguirre
Councilor Brian Flagg
Councilor Roxanna Valenzuela

Others Present: John Lashley, Non-resident
Andy Luna, Fire Department
Billy Peard, Resident
Tom Belshe, AZ League of Cities and Towns

Mayor Diaz called the Regular Agenda Meeting to order at 6:01 p.m. The first order of business is Roll Call.

ITEM #04 – ROLL CALL

Mayor Diaz:
Councilor Valenzuela. Here.
Acting Mayor Rogers: Do the Pledge of Allegiance.
Councilor Aguirre. Here.
Councilor Flagg. Here.
Vice Mayor Lopez. Here.
Councilor Anita Romero. Here.
Councilor Rita Rogers. Here.
And Mayor Paul Diaz is here.

Mayor Diaz: Please stand for the Pledge of Allegiance, followed by the Land Acknowledgment and Mission Statements.

ITEM #03 – LAND ACKNOWLEDGMENT AND MISSION STATEMENT

Vice Mayor Lopez: On behalf of South Tucson residents, we honor the Tribal Nations who have served as caretakers of this land from time immemorial and respectfully acknowledge the ancestral homelands of the Tohono O’odham Nation and the multi-millennial presence of the Pascua Yaqui Tribe within South Tucson. Consistent with the City of South Tucson’s commitment to diversity and inclusion, we strive toward building equal-partner relationships with Arizona’s Tribal Nations.

Acting Mayor Rogers: The Mission Statement of the City of South Tucson is to build up this community through mutual cooperation between we, the public servants, and our citizens so that jointly we can build a safer and stronger community.

ITEM #05 – APPROVAL OF MINUTES

Mayor Diaz: Approval of Minutes for the Regular Meeting of December 6, 2022, are there any discussions, corrections or deletions for the Regular Meeting of December 6? Hearing none, do I have a motion to accept?

Vice Mayor Lopez: Mr. Mayor, I make a Motion to Accept the Minutes for December 6, 2022.

Mayor Diaz: Thank you.

Councilor Valenzuela: Second.

Mayor Diaz: Thank you. There's a Motion and a Second, so we will have Roll Call.

Mayor Diaz:

Councilor Valenzuela. Aye.

Councilor Aguirre. Aye.

Councilor Flagg. Aye.

Vice Mayor Lopez. Yes.

Councilor Anita Romero. Yes.

Councilor Rita Rogers. No, Aye, I mean sorry.

Mayor Diaz: We're approving Minutes.

Acting Mayor Rita Rogers: I know we are approving Minutes, but I had some, but you went so quickly I didn't get so say something about page 11 so I'm going to abstain, ok, that's ok.

Mayor Diaz: We're voting.

Acting Mayor Rita Rogers: I'm abstaining from the vote.

Mayor Diaz: Ok, thank you, sorry, thank you. And I will be voting the Minutes yes. Minutes Approved.

Mayor Diaz: Next item on the agenda is Call to the Audience. It's a Call to the Audience so anybody in the audience would like to talk at this time please, if you have a card filled out.

Ms. Aguirre: Yes, Mr. Mayor, we have two cards filled out. I will call the first one out. So the first one was from Mr. John Lashley. He is not a resident, address 6262 N. Camino Verde, Tucson, topic, Welcome. Mr. Lashley.

Mayor Diaz: Thank you.

Mr. Lashley: Thank you. I appreciate the opportunity to address you. I'll be very brief. It is a lot of responsibility to be on the City Council with any government and I'm sure you have your work cut out for you. I am an investor in South Tucson, and I've tried over the last 15 years to bring some new businesses and taxpayers to the City here, and obviously have been successful in that. I have a dialog that continues with the City and the City employees, and I think this is a healthy thing. So, we try and work with the City; we don't always see eye-to-eye with City employees and such and that is consistent in any municipality or federal or state government. May I give the Council Members a written list?

Mayor Diaz: Yes.

Mr. Lashley: These ideas may or may not meet with any approval or 100% disapproval but I think there is a curdle in there of ideas that if we work together that we can make the City of South Tucson better than it is, just a step forward and that is what I would hope during your tenure here as Council Members. So thank you very much for taking time out of your lives to try and make this City better.

Mayor Diaz: Thank you.

Acting Mayor Rogers: Thank you.

Ms. Aguirre: The next speaker is Mr. Andy Luna, address 5328 S. Pine Way. He is not a resident, and topic, Fire Department.

Mr. Luna: Mr. Mayor, Members of the Council. My name is Andy Luna and I know some of you folks already, but I have been working for the Fire Department for just a little over 21 years. I've seen a lot of ups and downs as most of us have. So I am up here to maybe to meet the new folks. I haven't met the new folks yet, and at some point maybe we can meet individually or as a group. That's all I am going to say. I noticed on the Agenda you are talking Direction and Discussion in regard to the Fire Department, and of course, along this last year if not more, we have heard many things about the Fire Department, good and bad, that type of thing. So, what I'm offering for myself and members of the Reserves because basically, I don't know if you guys know, I'm the last remaining full time benefitted Firefighter Captain in the City of South Tucson and we have a lot of good Reserves, 33 good Reserves that come in to fill in. So there's a lot of moving parts to it, so all I'm saying is if we are going to be discussing it whether it's today or another day, I'd be more than willing to answer any questions. I know the representative, Chief, Department of Public Safety Director oversees the Fire Department, but he and I talk a lot about the Fire Department, and obviously I know a lot more than he does being he's more of a police officer than he is a firefighter. So I would like to be involved in meetings if you're having meetings about the Fire Department, the functions of it, how it runs, what goes on with it having to do with personnel, equipment, anything that has to do with it, I believe that I would be versed in answering any questions you might have and that type of thing. So, welcome to the three new Council Members and I hope we can discuss this further at another time. So thank you.

Acting Mayor Rogers: Thank you.

Ms. Aguirre: Our third speaker is Mr. Billy Peard. He is a resident, address 120 E. 28th Street, topic, City Attorney Selection.

Mr. Peard: Good evening, Mayor and Council. Last week, two weeks ago, I came before you and discussed a little bit about my perspective as my day job as a practicing attorney, the importance of a City Attorney, and qualities and things to look for when you are embarking on this process of attorney selection. Again, as I kind of laid it out the City Attorney has multiple roles, 3 broad categories. One is prosecutions of local misdemeanor crimes in Magistrate Court here. Two, is providing sage guidance to the seven of you when legal questions come up and to the Staff on a day-to-day basis. And three, and finally, is defending and perhaps in worst case scenario is initiating lawsuits involving people who have legal disputes with the City. I come before you here again today not to simply not repeat what I said two weeks ago, but to say I understand that one of the candidates before you is a law firm, and just wanted to say that, as I said last week, because of the sheer breadth of responsibilities of any person or group filling the role of City Attorney has to fulfill for any city, large or small, it's hard. It's hard to find someone who checks all those boxes, and I was pleased to learn that a firm had come forward and expressed interest. I understand that there might be some hesitancy about the

possibility of retaining a firm that is not based locally, doesn't have a physical office here locally, but I can say in my day-to-day work, so much of our work is remote, especially in the past three years and Zoom has become more accepted in all professions, including the legal profession. Of course you want somebody who's going to come down and pay you the attention you deserve in person from time to time. But I am confident if this Council chooses to go the route of a firm that offers the breadth of knowledge that several different attorneys can offer could be a good thing. I know this Council has had experience with contracting with out-of-town attorneys in the past. I will say that a firm is different than hiring a single out-of-town attorney. A full firm offers a full breadth and knowledge and guidance and I know from my own personal, professional experience, having colleagues matters a lot because you get to talk to each other, hey, this doesn't seem clear-cut to me and you go down the hall and talk to your colleague who offers a fresh perspective, and that's the perspective of having a law firm that has several attorneys, as they have that process and that dynamic I imagine amongst themselves. You could potentially benefit from that if you choose to go that way. So I just wanted to offer my perspective. Thank you.

Mayor Diaz: Thank you.

Ms. Aguirre: Mr. Mayor, that concludes the speakers.

Mayor Diaz: Ok. Item #06.

ITEM #06 - MAYOR AND COUNCIL MEMBERS: REPORTS OF CURRENT EVENTS; FUTURE AGENDA ITEMS

Acting Mayor Rogers: Mr. Mayor, I have two events. One, the person that is speaking tonight, right there, Mr. Tom, three of us went to the meeting of the League of Cities and Towns in Phoenix. This was very good, he was the major speaker at the very beginning of the first morning, and they gave us this entire, super information thing, this booklet, for us that were there. Two new persons were there and just want to say that I'm going to, I always have stuff right outside the window of my office, a little stand. So I am going to be leaving this there for anybody that wants to take it, just let me know who stole it, ok. And you can read it, it's very, very, even in the budget, there's chapter after chapter about very important things, so that's one thing. Then my next report is, I think it is very important for our dear City of South Tucson, 1.2-mile City. Dennis and I went to the Nutcracker Suite this weekend, which of course, all of that has been here for about 20 years in our great City of South Tucson, that's where the studio is. They were all beautiful, beautiful, beautiful. But what I like about it is this guy on the back is the only printing system in the City of South Tucson, 1.2 miles. So here we've got two things, the art, and Dwight got a lot of people calling for work. So those are my two items for this week.

Mayor Diaz: Thank you, Councilor Rogers. Are there any more reports?

Vice Mayor Lopez: Mr. Mayor, I'd like to remind the new Council Members to follow up on the link that our Housing Director has sent out for requirements for them to be Board Members of the South Tucson Housing Authority, so follow up because it's a lengthy process. That's all I have, Mr. Mayor.

Mayor Diaz: Thank you. The next item is future agenda items. Councilor Flagg.

Councilor Flagg: Yeah, I don't know if this really applies but would we want to take out of order the Fire issue because these poor guys, I mean, I want to look out for these dudes because they serve our City. So maybe we could save them time by taking it out of order. I don't know, that's a question I have.

Mayor Diaz: I guess your idea is well taken but the Study Session with the League is more important. That way it puts us at a level of where everybody should be at as far as taking action, but we can have the Study Session first then we could change the Agenda. We can also take the Item #12 and move that to #10. Will that suffice?

Councilor Flagg: I mean, you're the Mayor.

Ms. Moreno: If I may, Mayor, and I want to be considerate to the folks here that are here from Phoenix, they are also going to be driving. So the further down you move them on the Agenda the later they leave as well, just FYI.

Councilor Flagg: It's Ok.

Mayor Diaz: Ok, so, ok, we'll take it as, you're saying, if I'm correct, just go with the Agenda now?

Ms. Moreno: At this point in time I think it would be appropriate, yes.

Mayor Diaz: Ok. Thank you. We will go with the Agenda.

ITEM #07 - CITY MANAGER AND DEPARTMENT HEADS: REPORTS TO MAYOR AND COUNCIL

Ms. Moreno: Yes, good evening, Mayor, Members of the Council. I don't have any specific reports, per se, and I do know the Item for reconsideration of the City Manager is on your Agenda, and I appreciate whatever decision you make this evening, whether it's appointing someone tomorrow, yesterday, whatever the decisions of the Council are, that's entirely up to you. I just want to convey to Mayor and Council I will be more than happy to help you anytime you need me in this position. I've been with the City here coming close to almost 21 years. I have institutional knowledge that I can help you with. I'm not applying for the job by no means, but I am as always here to help in any way. So thanks again for the opportunity and again, I look forward to continuing here and I'm here to help.

Mayor Diaz: Thank you. Are there any more reports? Ok, thank you. The next Item is #08.

ITEM #08 - RECONSIDER ACTION TAKEN REGARDING CITY MANAGER DISCUSSION AND DIRECTION ON 12/06/2022

Mayor Diaz: This is reconsideration of action taken regarding the City Manager discussion and direction on December 6th and that was Item #11. I made quite a few errors in that, and I admit, because I got carried away there, and finally because of the way it went through, I believe the Motion was tabled, so then we had discussion and an amendment to the table motion, and then of course, we wound up voting on the issue. So I would like to reconsider the action taken by first of all, saying that the tabled motion I believe was to have the Interim Manager kept as the Interim Manager and it was that particular issue was the one that was voted on. Excuse me, let me backtrack. The motion was to table, but the table I believe requires an end date because of the fact that the statutes that we work on have a requirement for a City Manager. So therefore, even though we can continue having the Interim City Manager in that position and once we reach the end date of that, we can do another motion to continue. And that's what I would like to say, that the person that made the table motion to reconsider that portion that we set an end date to the tabling, and then also that to declare that the amendment to that, to keep the Interim City Manager, is out of order, because this was actually a table motion as a whole. So the amendment to it is not allowed so theoretically we are reverting back to the original statement of the discussion, direction regarding the City Manager, which can be added as a next

agenda item or continue with the Interim as far as the date goes. So what I will ask is that the person that requested the tabling to either set an end date to that so we can discuss it again. And the other one is that if we do the tabling that means that the Interim City Manager stays there until the end date of tabling, ok, which means we go back to the original way we were operating. Then the motion to keep it, or the amendment to keep it, to keep her in that position, is really, I would say out of order, so we are back to the original discussion. Does that make sense? No?

Councilor Aguirre: If I may, Mayor. I believe the reason this occurred at our last meeting is because at the time when we were sworn in as new Council Members I believe per City Code, at that point we should have made a decision of either appointing a new City Manager or reappointing whoever is in the position. So that's why that vote occurred at our last Council meeting. That's what should have happened when we were sworn in, and it still hasn't happened because we are still in the same position with an Interim, we haven't made a decision on that. And I believe that's what's going on.

Mayor Diaz: Thank you.

Councilor Valenzuela: Mayor, you also said there was a statute that doesn't allow for that amendment. Can you cite that statute?

Mayor Diaz: Excuse me?

Councilor Valenzuela: You said there's a statute that doesn't allow for that amendment that I made to appoint the Interim City Manager.

Mayor Diaz: No I didn't.

Councilor Valenzuela: You just said it.

Mayor Diaz: What I said, I said that the tabling motion cannot be amended, that's what I meant.

Councilor Valenzuela: Then I would like to make a motion to appoint Veronica Moreno as Interim City Manager indefinitely.

Mayor Diaz: No, wait a minute. We're discussing my reconsideration at this point, ok.

Councilor Valenzuela: Ok.

Mayor Diaz: So we need to finish that first.

Councilor Valenzuela: Ok, sounds good. So I make a motion,

Mayor Diaz: Let's finish this first.

Councilor Valenzuela: Ok.

Councilor Flagg: Do you want more discussion on it?

Acting Mayor Rogers: Mr. Mayor,

Mayor Diaz: Cesar clarified his position on the issue, right?

Councilor Aguirre: Yeah, I'm just saying the reason we voted on keeping,

Mayor Diaz: No, tabling.

Councilor Aguirre: Tabling, right.

Councilor Valenzuela: It was in the Minutes.

Mayor Diaz: So do you want to keep it that way? But I need an end date for the tabling because the Ordinance requires a City Manager.

Acting Mayor Rogers: Mr. Mayor.

Vice Mayor Lopez: I'd like to say something. You insist that we have an end date and when it comes to conducting City business it takes a long time, because we are dealing with other cities, other counties, and coordinate an effective time to where we can meet and plan out everything that has to happen. So I don't think there is any way we can predict an end date for this, because this is not her first time that she has been here, this is the second or third time, so we should just leave it as it is. Go ahead.

Ms. Moreno: I'm just making sure the numbers are right.

Vice Mayor Lopez: So I just think we should just leave everything as it is without an end date.

Councilor Flagg: Thank you.

Vice Mayor Lopez: Because we can't predict say like, for instance, we just can't predict when we are going to finish all these City issues and get it resolved.

Acting Mayor Rogers: Ok, Mr. Mayor -

Councilor Valenzuela: So for clarification, if I may, we do need to appoint a City Manager, not just tabling it, as we do need to appoint somebody, so I think this allows for a new motion.

Mayor Diaz: Say that again.

Councilor Valenzuela: I think this allows for a new motion.

Mayor Diaz: But this one here has to be withdrawn. The tabling has to be withdrawn.

Councilor Aguirre: So I vote to withdraw the motion.

Mayor Diaz: Ok, thank you.

Acting Mayor Rogers: Mr. Mayor, is someone talking, I can't hear.

Councilor Aguirre: I move to remove the tabling, I move to withdraw the motion that was made at our last meeting regarding the City Manager. Do I get a second?

Acting Mayor Rogers: Second.

Mayor Diaz: Thank you. So, Roll Call.

Acting Mayor Rogers: Do we discuss or not?

Mayor Diaz: To withdraw the motion.

Acting Mayor Rogers: I voted Second and I'd like to say why.

Councilor Valenzuela: I think there is more discussion.

Mayor Diaz: We're voting.

Councilor Valenzuela: Rita just said she has something more to say.

Acting Mayor Rogers: I'd like to have discussion on the motion that's being withdrawn, why I would withdraw, am I able?

Mayor Diaz: Say that again.

Acting Mayor Rogers: I'd like to say why I would withdraw which I did last time because it wasn't even on as a thing to do. That's why I voted no. We have an Interim Manager here. It wasn't called to be voted on and none of the people knew about it.

Mayor Diaz: Ok.

Acting Mayor Rogers: So that motion, I'm done talking.

Mayor Diaz: Ok. So the Motion was made and a Second so you're discussing -

Acting Mayor Rogers: That's my discussion of how I am going to vote.

Mayor Diaz: Ok, thank you. So call for discussion?

Acting Mayor Rogers: Yeah.

Mayor Diaz: Ok.

Mayor Diaz:

Councilor Valenzuela. Aye.

Councilor Aguirre. Aye.

Councilor Flagg. Aye.

Vice Mayor Lopez. Yes.

Councilor Romero. Yes.

Acting Mayor Rogers. Aye.

Mayor Diaz: So the motion to withdraw the tabling has been withdrawn, so that is complete. So after all that.

Councilor Valenzuela: Mr. Mayor, Mr. Mayor.

Mayor Diaz: Councilor Valenzuela:

Councilor Valenzuela: Mayor, I would like to make another motion to appoint Veronica Moreno as Interim City Manager.

Mayor Diaz: As a what?

Acting Mayor Rogers: She already is.

Councilor Valenzuela: Interim City Manager.

Mayor Diaz: Interim City Manager.

Acting Mayor Rogers: She already is.

Councilor Aguirre: Yes, she is, but, I'm sorry, Mr. Mayor, per City Code, we need to make a vote on this, it needs to happen, because it never did when we got sworn in. I understand she is already Interim, but we need to -

Mayor Diaz: So, wait a minute, wait a minute, wait a minute. Mr. Belshe is sitting over there, seriously, ok, I understand what is happening. That did not open up a further discussion on the City Manager and we are back to the agenda, and we need to stay with the agenda.

Councilor Valenzuela: That is on the agenda.

Mayor Diaz: Excuse me?

Councilor Valenzuela: There's Discussion on the agenda, we are discussing City Manager business.

Councilor Flagg: Yes. Item #08.

Mayor Diaz: Again, the reconsideration was done and completed. We need to get back to the agenda.

Councilor Valenzuela: It is part of the agenda.

Councilor Flagg: Make a motion.

Councilor Valenzuela: I did make a motion.

Mayor Diaz: Excuse me, I'm calling it out of order because we need to stick with the agenda.

Councilor Valenzuela: And we are.

Councilor Flagg: Yes.

Councilor Valenzuela: An item regarding this issue is on the agenda. So I am making a motion for Item #08 to appoint City Manager Veronica Moreno. Do I have a Second?

Councilor Flagg: Yes. Second. Discussion? We need to discuss that.

Councilor Valenzuela: So can the Manager continue with the Roll Call since the Mayor refused to?

Ms. Moreno: Absolutely, City Manager and I'm also City Clerk so I can do Roll Call.

Acting Mayor Rogers: And Human Resources.

Mayor Diaz: Excuse me?

Ms. Moreno: Mr. Mayor, Councilor Valenzuela asked if I can proceed with the Roll Call since you have not done it yet.

Mayor Diaz: That is correct, I have not done that yet.

Ms. Moreno: Right, but she is asking if I can do Roll Call.

Mayor Diaz: Well,

Acting Mayor Rogers: Mr. Mayor,

Mayor Diaz: Ok, who Seconded it?

Acting Mayor Rogers: Now we can discuss it. Ok, so it's been Moved and Seconded.

Mayor Diaz: Discussion.

Acting Mayor Rogers: For discussion, I would like to say at least to my public, I've been here for 2018, 2019 ..., and nobody knows that was really on the agenda, I believe that Veronica Moreno is currently the Interim City Manager, and I don't need to revote yes, yes, yes, unless you guys found out in another secret meeting which we've had before, that maybe she isn't it. She is already Interim Manager. When we put it on somewhere, you new people learn all about it, that's what's directly for the people that we say in our Mission Statement that we care about. That's my discussion. That's why I voted no last time because she was already our Interim City Manager.

Councilor Flagg: Is there any more discussion? Call the question?

Mayor Diaz: Anymore discussion? So the Motion is to appoint Interim City Manager as a City Manager Veronica Moreno.

Vice Mayor Lopez: Mr. Mayor, you don't have to reappoint her when she's already Interim City Manager.

(Inaudible - multiple people talking at the same time)

Mayor Diaz: Wait a minute.

Councilor Valenzuela: Mr. Mayor, City Code, Chapter 2, Section 52, does require that we appoint somebody new or reappoint, so it is required. So it was actually supposed to be the first meeting.

Councilor Flagg: We should call -

Mayor Diaz: So what is the Motion again?

Councilor Valenzuela: I move to appoint Veronica Moreno as Interim City Manager.

Mayor Diaz: Did you hear that?

Vice Mayor Lopez: Yes.

Mayor Diaz: And then there was a Second.

Councilor Aguirre: Yes.

Mayor Diaz: And discussion.

Councilor Aguirre: We discussed.

Councilor Flagg: We already discussed, call the question.

Acting Mayor Rogers: I already discussed.

Mayor Diaz: So we're calling the question then? Ok.

Mayor Diaz:

Councilor Valenzuela. Aye.

Councilor Aguirre. Aye.

Councilor Flagg. Aye.

Vice Mayor Lopez. Yes.

Councilor Romero. Yes.

Acting Mayor Rogers. Aye.

Mayor Diaz: Ok, Motion passes.

ITEM #09 - STUDY SESSION - LEAGUE OF ARIZONA CITIES AND TOWNS, DIRECTOR TOM BELSHE - CITY COUNCIL AND CITY MANAGER FORM OF GOVERNMENT

Ms. Moreno: I would like to make an introduction. Firstly, because every time after there has been an active election, I think it is good for the Council and the freshly newly elected, to have the opportunity for the League to do what we call an orientation. You all were invited to a conference last week where three of you attended. I'm sure there was a lot you learned, however, those that are still on the Council, you could take it as a refresher course. Every time I listen to Tom, he's been actively involved for a million years, he is very well versed in what it is to be an elected official. He is very well versed on the City Manager form of government. I've also shared with him that Council has a Code of Conduct that was adopted in 2019 and it is incumbent upon the Council to need the time to read it, to understand it. Being newly elected, we all get comfortable, some things you know or some things you don't know. We're all still learning, and you could see that Item was a lot of back and forth, and it shows more the reason why Item #11 here is very important as far as getting a City Attorney and I'm sure you will hear from Tom as well. But once again, having Tom here, giving an orientation is good, positive for the Department. So thank you, Tom, for driving down.

Mr. Belshe: Mayor Diaz, Members of the Council. As Veronica mentioned, I am Tom Belshe with the League of Arizona Cities and Towns. I am the Executive Director. I always appreciate the opportunity to come and speak with Councils. This is the part of the job that I enjoy, not the part where I have to go down and lobby State Legislature. I would do this everyday if I could get away with it. I wanted to just start off and thank those folks who were able to make the conference that we did, the newly elected officials - we call it a training, but one of the things I wanted to make sure everybody understands, sometimes people view us, we are not attorneys. We are not compliance people, we don't tell you what to do, we work for you. So I hope you will take it in that spirit. These are all things that are suggested. There are things that over many years that we've seen that assist cities and town Councils to do things correctly, to do things that establish trust with the community. Those are very, very important things because the community follows your lead. So it's very important that they feel things are done in an efficient and effective manner. That is why I was very glad to see tonight that you are going to be talking about appointment of an attorney. I just want to say one thing about it and then, again, I'm not here to tell you what to do. But I sit on this Board called the Arizona Municipal Risk Retention Pool. If you're not familiar with that, that is your liability insurance company. That is a company that the League set up some time ago. Seventy-five of the cities pool together and the whole purpose of that pool is to help you pay for protection for doing the job in the right way. Notice what I said there, doing the job the right way which is why training and programs offered by the pool are very important. And one of the reasons why I come out to talk about things like the Council Manager form of government and other things because that training is important for you, because if you don't do things the right way, or if you

do things that are not consistent with your role, you put yourselves in jeopardy. That coverage that you have may be in jeopardy when you do things incorrectly. This is why you have an attorney present at your meetings is to help you stay on the straight and narrow, because you put yourself in jeopardy by doing that. So, one of the parts of my job is I go out and talk to areas that aren't incorporated, areas that are in the county. There's lots of them down in this area, Tanque Verde, there's a ton that I go out and I talk to and the first thing that we tell them when they are talking about incorporating is when we talk about staff that the city needs, the first conversation we have is having an attorney. The attorney makes sure there is no confusion about how you are conducting a meeting. They will remind you about important things like conflict of interest. They will have conversations with you individually to see what kinds of things you do in the community, what things do you do with your family at home. We want people that are invested in the community. So it's not bad to have conflict necessarily, but you want to make sure that when you do that the public is aware of it and that you meet all the requirements of the law. I know you have a ton of things to do tonight, so this is going to be expedited. I do not want to stand, I agree with Councilor Flagg that your Public Safety personnel are really, really important and you need to take care of whatever they need you to do for them. So I am going to talk about a couple of things, an attorney, very important if I haven't made that clear. I just think this discussion we just had here is an example of why you need to have an attorney in place. And I don't think anybody would dispute that, it's just that it's evident. They work it every day, they know what you need to do, and they can direct things so that you are more efficient and effective. So, that's enough of that. The other thing that I wanted to talk about is the Council Manager form. The reason that, when I first came to work at the League back in 1993, we had a legendary Director at the time, and he had been the Executive Director for 40 years and had seen a ton of things. So from 1957 to 1997 he was the Director of the League and one of the things he told me is, if you don't learn anything else I want you to always preach to the Councils the importance of the Council Manager form of government. Remind them, you adopted it in your Code. So when you don't follow it, you are actually in violation of your own Code and that's really important to remember because it's like anything else that exists in your Code, when you don't follow the things that are listed in it, again, that's when you put yourselves in jeopardy. So, it's a very simple concept. Back around the time the State was formed around 1912, actually February of 1912 is when the State became a State. In the early teens of the Nation there was a progressive movement because local government was experiencing a lot of corruption. So what was happening is that political people would come into office, elected officials would come into office. They would bring the people that helped them on their campaign into the office. They would run the city and there was no checks and balances in place. So the idea came up, and they modeled it after the corporate model that existed in the United States. So what it said was that with the corporate model, you have stakeholders, and those stakeholders appoint a Board. And then the Board chooses a CEO with the company, and the CEO makes the day-to-day decisions. But the Board is the one that is responsible for the vision of the company. And that vision was as a company, what kind of products were they going to provide, what kind of things are they going to do as a company, and then they expect the CEO to hire the right kind of people to do the right kind of research to develop the right kind of products to fit the vision that the Board of Directors had given that person. So the Council Manager form of government says you have the citizens, they vote in a Council. The Council is like that Board of Directors, they set a vision. They are about policy, what policies do we want to put in place that will help us develop the city the way we want to. How is the city going to look in five, ten, fifteen, twenty years? What are we going to do as a city that fits the vision of what you are hearing from your constituents? And then you hire a Manager who carries that out day-to-day. Now, the Manager works at the will and pleasure of the Council just like the CEO works at the pleasure of the Board of Directors. If they are communicating and that vision that you set is being met, it works great. The

same thing with Council Manager form of government. If the Manager, whether it's Interim or full Manager, if you're working together and the trains are running on time, and you're meeting the vision of the Council and communicating with one another, it works just the way it is supposed to. But whenever the Board of Directors or CEO steps out of their role, that's when there starts to be a breakdown. So, number one, most of the time the breakdown that we see, again, I want you all to understand that I give this same speech at least five times a month. So I am not here talking about you in individually as South Tucson, I'm talking about collectively what we have seen. I didn't get together with Veronica and have her tell me all the issues you are having. This is common to all cities and towns. The breakdowns that I see are when most of the time is the Council is trying to do the Manager's job. I'm going to talk more specifically about that, but also it can be when the Manager is not playing their proper role in the development of policy. They should have no, what's the word I'm looking for, they don't have any skin in the game. The policy that you come up with, they just want to carry it out in the most efficient way. They shouldn't be driving you towards a certain policy. So, here again is how it would work. Let's use an example of something you want to get done. So let's say if you have, you want to put in a stop sign at a certain intersection, or better yet, you want to control traffic at a certain intersection but you're not exactly sure how you want to do that. Staff should prepare options for you to take a look at that you can read and know about ahead of time. And then you come back together, you discuss it here, you make a decision, and then the staff carries that out. Now if you have certain ideas or you have questions, again there is no problem with you going and talking to staff. It is usually up to the Manager. Different Managers do it different ways. Some like everything start with me and with smaller staff that's usually the best way. Just start with the Manager, let the Manager coordinate with the Department Heads and other staff. Sometimes if the Manager is comfortable with going and having that conversation without them, that's fine too. But the Mayor and the Manager especially should decide together what works best. Mayor, you have a very important role in all this because you are the, when I go into the State Legislature and I testify, if you have ever seen how they conduct their business, everything goes through the Chair. There's no discussion, so when I'm addressing the entire Committee, I'm addressing the Chair first, which is the role the Mayor plays. So it goes to the Mayor and the Mayor gives permission to Council Member who wants to make a comment and then if it's a question or comment it comes back to me and then I go back through you and then I answer the question that the Council Member may ask. The reason it's done that way is to make sure that we have good, effective discussions where there isn't a lot of confusion. Council Manager form is important because, think about it, as a person who has 91 bosses, 91 cities and towns, that could be a difficult juggling act. People like to have one supervisor that they know they get their direction from. If you're talking to staff and the Manager doesn't know about it, and you are directing them to do something and they've already received a different set of instructions, it causes a problem. Now you have a problem where obviously they know who you are, staff knows who you are and they want to please you, but they also have a boss that they work with every day. That's what we don't want to do, is create that kind of situation for the staff. It's very easy by just making sure that the Manager is always aware of conversations that you want to have, and it's really a good idea to have those conversations. Another thing that I find that I want to again, this is especially for the new members, staff should provide you enough time so that you review the packet before you come to the meeting. You should not be opening that packet when you sit down in the dais. Tonight I didn't see any of that. That's great, it's a very good thing. But do staff the service of taking a look at what they recommended and if you've got an issue, talk to them ahead of time. It is not fair to staff to have you play gotcha with them, to bring up a question that they aren't prepared for. None of us in our job would like to have somebody do that to us, so it's a courteous thing to do. So it's always a suggestion I would make. The biggest thing with Council Manager form of government is communication and making sure that you are

playing the correct role. Each of you as a Council Member has every right to reach out to staff and get answers to your questions, to make suggestions. But remember, anything that you ask staff to do, right, needs to be part of the overall plan that you come up with. Remember that the three important documents that you work from are your budget, your general plan, and any kind of Planning and Zoning matters. Those are all planning documents and all things you all have worked on and decided on. And when it comes to the general plan, that's something that the citizens have played a role in developing. So those are all very important. Communicate with the Manager, make sure the Manager is clear on what you are looking for. But remember also that you are one of seven, even the Mayor. You are one of seven and that means that at least four of you have to agree on a direction before you can move forward with it. I'm not going to get into a lot because you need to hear this from an attorney, but I'm not going to get into a lot tonight because that's a whole other hour of talking about open meeting law, but extremely important. Keep an eye on that. If your attorney is present, they will keep you, again, on the straight and narrow. Another thing that I like to tell new Council Members is that we do have an attorney at the League, but the only person from the City that talks to my attorney is your attorney. So if you've got something, you want a second opinion, your attorney needs to agree that there needs to be a second opinion, because my General Counsel is not going to represent you in court, and what my attorney says to any one of you is not binding. So, if your attorney needs a second opinion, that is totally ok with us to have your attorney call us. That's what we do, we are there to help. Whoever you call as an attorney, don't call looking to shop for opinions because you didn't like what your attorney told you. We will shut you down. I'm not kidding about that. That's the only time where I will tell you no, we're not going to do that. We always try to be, we always try to help any way we can, but we are not your legal representatives. Whoever you choose as your attorney will be that. The final thing that I would say is that you have, you went through the trouble of creating a Code of Ethics. Now this is different. The stuff I talked to you about a lot is legal. What will keep you out of hot water, that's what we usually come and talk to you about. That Code of Ethics is to help you deal with one another. That in my book is just as important, if not more important, because if you are following that guidance in the Code of Conduct most likely you are not going to run into the other legal issues. Be aware of both, take the time to read the Code of Ethics. That usually solves a lot of problems and talk with one another. You know, don't be, of course you want to be careful about things that are coming on the agenda before, you don't want to discuss those specifics, but you can talk about personal philosophies. That is something you should know about one another. Don't let the open meeting law scare you into not having conversations with one another or use it as an excuse not to talk to other members of the Council. Even if you are on a completely different political plain from the other members of your Council, it's really important to understand where others are coming from. That again can be something that can open your eyes. I always find it very interesting when I go and talk with Legislators that have a completely different point of view than the cities do. When I get to the, a lot of times I am very frustrated by their point of view but when we take and have conversations with them that are not about specific legislation and find out about who they are as persons, sometimes we can find ways to communicate and get things done despite our differences. And that same thing could happen to the Council here. Because I know you have a lot of important things, that's a very abbreviated meeting. Work with your Interim Manager, get your attorney on board, get their guidance, and you'll find things will run a lot smoother and you will have a chance to really discuss the things that are important. I know that you have a lot of things that you need to tackle. All Councils do and you're doing something that's very important. Usually I say this at the beginning of the presentation, but I grew up in a family of, my dad was a Police Officer in Oakland, CA, for a long time. He ran for a school board and won; my mom ran for Council but didn't win. We discussed local government issues at the table. I've always, I never wanted to be an elected official. I enjoy my administrative role that I

play, but I respect very much the choice that you have made, and I know that the vast majority of you have made that because you want to improve the City and because you want to help the citizens and the people. So we are here to help in that way and if you ever need us to come down and like us to come down and talk about a specific subject, all you need to do is let Veronica know. We are in contact about a lot of other things, so we are always happy to come up and make a presentation. So with that, Mayor, I'm happy to answer any questions anybody might have.

Councilor Flagg: Do we have to pay you to come and talk?

Mr. Belshe: Mayor Diaz, Councilor Flagg, no, you pay dues. The way that the relationship works with the League is every city and town pays a certain amount of dues based on their population and so these are all free. It's a free service and not only for that but lots of other questions. And we always tell your staff that if they have a question about something it's a good idea to start with us because if we don't know the answer, we usually know where you can get the answers.

Vice Mayor Lopez: Tom, can you remind us here that you are having your conference here locally and it's something we all should be attending because how close can we get, it's down the street.

Mr. Belshe: Mayor Diaz, Vice Mayor Lopez, we are very proud of our conference. If you haven't had a chance to attend, it's a thing I look forward to most of the year. We have about 1,300 people attend our conference. The vast majority of Mayors and Council Members will attend. We have a great agenda, great sessions, about local government topics, and I think the best thing, and I was talking about this with the Vice Mayor before, the best thing about it is you get to see in talking with other Council Members that you are not so different. You may be small, you may have a certain type of demographics in your area, but the issues you have are always very similar to other cities and towns. So the opportunity to meet with them and meet other people is the best part of the conference. And we have a good time. We have good parties that we throw, but the best thing we do, I think is the showcase of cities and that's where cities will put a booth together and they will demonstrate something that is unique to their city. We've even had some border communities that bring tequila to be sampled, food to be sampled, Willcox, AZ, brings

Acting Mayor Rogers: Peaches.

Mr. Belshe: Yeah, they bring fruits and vegetables that are grown in their area and the whole idea is to demonstrate the variety and uniqueness of cities and towns in Arizona. With that, we really, really enjoy the conference. It's going to be at Starr Pass, which is my favorite venue, so it's really close and so we just hope you all would be able to make it.

Councilor Flagg: When is it?

Mr. Belshe: It's in August. It's always the week before Labor Day, yeah, Labor Day. So it's the Tuesday through Friday of that week.

Mayor Diaz: I have a question in regard to the open meeting law and you mentioned a while ago that the communication between Council Members is that it could be your philosophies or could be your ideas that you want to talk about but where is the thin line that you cross when you start talking about city business and how to go about completing city business on your behalf?

Mr. Belshe: Whenever you have a quorum it's something you want to be careful of. That doesn't keep you from having, again, I was very careful to say, and I am going to repeat it, you don't want to talk about the things that are coming before you as a Council. Now, let's say you're talking about just personal philosophies about governance. I think that as a Council Member I think that we ought to do more things for our youth. That's a general enough topic that you aren't getting into specific things that are going to come before the Council. Those are the kind of conversations you can have. Where you get in trouble is when four of you are together you have the ability to carry out city business and you might be talking about things that will come before the Council. That's what you want to be careful of, that you're not doing any of that. Again, watch, I live in the town of Gilbert. I watch the stuff that my town Council does very carefully. I look at their agenda and see if I care about any of the things that are on there. If I do care, I'll tune in and watch. Now if they are doing things, they are adding things to the agenda or discussing things that were not on that agenda, and I find out, hey, that wasn't on the agenda and they talked about it, that's what I get upset about. Now, that never happens with that town, they are very careful. But I am saying, Joe Citizen like me, that is who you are doing all this for. And they don't have a right putting something, again, this is going to be something you will discuss with your attorney, the Constitution allows you to come in and hear the debate. It is not required except for very specific public hearings that have to be held on specific items. There is no requirement that people can speak on every item that you have on your agenda. You have a call to the public where they come up, but all of you know that call to the public cannot be anything or cannot be added to the agenda or discussed in any way that same evening. Because why, again, I've already looked at the agenda, you start discussing something that I didn't see on the agenda, I missed out on the opportunity to be heard. So that's where we have to draw the line.

Mayor Diaz: So are you saying the item on the agenda, right, is something that maybe not discussed in regard to the direct issue on the agenda, and we should come here, read our packets before the meeting, read our packets, and then we can have a discussion here at the meeting.

Mr. Belshe: Yes, that's what I'm saying. You should read and, what's in your packet has nothing to do with those individual conversations I was talking about. That's, individual conversations that I'm talking about are separate. Getting to know one another, getting to understand each other's philosophies on governance that has nothing to do with individual items that are on the agenda.

Mayor Diaz: So if you have an agenda item and you have a 4-3 vote, are you in trouble?

Mr. Belshe: Why would you be in trouble? I don't understand the question.

Mayor Diaz: Alright. So say there's 4-3, the vote comes out 4-3. Does that imply that the issue on the agenda was discussed?

Mr. Belshe: I don't think that it, if it's 4-3, 5-2, 6-1, 7-0, any of those you could make an argument that you got together ahead of time, but a vote count doesn't necessarily mean anything. It just means that four of you felt one way and three of you felt differently. That's all.

Mayor Diaz: But you also mentioned that it should be independent voting because you read it in your packet before you came to the meeting.

Mr. Belshe: You read your packet, you get the information, you formulate the questions you may want to ask, you have the discussion. The discussion is seen by the public, ok. They hear your debate, you make your decision, you vote. That's how it should work.

Mayor Diaz: I worry about the discussion that nothing happens after the motion is made, that there's no discussion. It's even in the previous administration that always happened that the agenda item was read, it was seconded, and there was no discussion because, well, not obviously, because the vote was taken, and it comes out 4-3.

Mr. Belshe: Mr. Mayor, I can't comment on what other, I can just tell you how it should be.

Mayor Diaz: I understand that but that's my concern that, let's say there's no discussion because it was already, you should have read the packet before coming to the meeting, and you made up your own mind independently, and the discussion should happen here.

Mr. Belshe: The discussion should always happen in Council Chambers, yes.

Mayor Diaz: Thank you.

Ms. Moreno: May I ask a question? Mayor, if I may, I'm asking if I can ask Mr. Belshe a question.

Mayor Diaz: Excuse me?

Ms. Moreno: Is it ok with you if I ask Mr. Belshe a question?

Mayor Diaz: Sure, of course.

Ms. Moreno: I think for purposes of clarity, if I could try to articulate or understand what Mayor Diaz is saying. So if there is an item on the agenda that is going to require action, if the Council, up to three, talk about it amongst themselves, obviously it's not conducting business because there's not more than four or they would be violating the open meeting law. But if they between themselves have a consensus or not, then come to the meeting and of those three they talk to another one on the other side, they all agree on the same, by this time, do you get where I am going?

Mr. Belshe: Yes, this is exactly what I want to let your attorneys do. Anyway, but I will just very quickly. The whole idea is that the discussion take place in front of the public. So if three of you talk and get consensus and then one of you goes and talks to somebody else, even though it's just two of you, you have now reached four. That's a quorum. You can't do serial communications like that. You can't, the whole idea is that the discussion is new. What you discussed here is brand new and you've done it with each other. And the public and you are discussing it for the first time. If that is the question you were asking, Mr. Mayor, that's what it means. You can't violate the open meeting law by polling. If one person goes and asks everybody what they think and how they are going to vote, that's polling and that's a violation.

Acting Mayor Rogers: Mr. Mayor, I just have a little comment on it. I've been here since 2018. Now just say the last three years, just say you have a bunch of places you go to or just us, we have 4-3 votes. I do the Minutes every time, and the same persons, 4-3, everything for, I'm gonna just leave it lenient two years but it's been longer. Is that how all the people to do that?

Mr. Belshe: I don't know, I haven't done a survey of that, so I wouldn't be able to tell you, but what I can say is that every person, you know, that's another thing, you all take an oath of the office that you are going to

follow the law. If you are following the law and you are having a lot of 4-3 votes, it means that you have a different point of view. That doesn't necessarily mean that anybody is doing anything wrong. There's a lot of Councils that have 4-3 votes. I don't think that has anything to do with, the vote number, has anything to do with anybody doing anything wrong. What's wrong is when you have communications where more than four of you are involved.

Mayor Diaz: I guess that you mentioned the Code of, the oath of office, how does that play into the discussions and all this other stuff.

Mr. Belshe: You take an Oath of Office to follow the law. And part of the law is the open meeting law. That's what I meant by that.

Mayor Diaz: Ok, so if you theoretically violate the Code, the open meeting law, your Oath of Office also?

Mr. Belshe: Well, again, whenever you violate the law there's penalties for violation of the law. If you violate the law, you violated your Oath as well. That's where the penalties come in.

Councilor Valenzuela: Mr. Mayor, and Tom, I am interested in learning more about the budget, the general plan, zoning. Do you guys help facilitate training for that? Would I coordinate that through Veronica or Lourdes?

Mr. Belshe: So if, that's one of the sessions we had at newly elected officials, but even though we did it there, that's not the only time we do it. We are more than happy to come up and now, I usually don't give that presentation again. I would recommend having, we have somebody named Pat Walker. She works a lot of cities and towns. She could come up and offer that training, but any kind of subject you have we can do it one of two ways. Sometimes if it's training if we have enough Council Members asking about it, it's a training that we can offer to more than one city, and we can offer that through Zoom. If it's just something that the City of South Tucson wants, I'd be happy to come back and do it, another presentation.

Councilor Valenzuela: Thank you.

Mayor Diaz: Are there any more questions?

Acting Mayor Rogers: The Firefighters left. They left.

Mayor Diaz: Thank you very much.

Councilor Aguirre: One more, Mayor, if I could. Just regarding the conference, you mentioned a showcase of cities. What would we as a city have to do to get, to be part of that showcase, is there an application process?

Mr. Belshe: Absolutely, Mayor and Council Member Aguirre. So what you do, Matt Lore from my office, he's one of my Deputy Directors. That's L-O-R-E. Matt sends out a packet ahead of time inviting all the Council Members and one of those things is, do you want to participate. There's the parade of flags that's one of the things, where every city carries its flag, and all that. We have that during our opening sessions. And the other one is whether they are going to have something to showcase. Normally what we do is if you have, if you want to do something, provide, I don't know if you've ever seen it but it's what they call pipe and drape, so it's set up so you have room for an 8x10 table. There's different sizes and you are responsible for just the stuff that is brought in, and we will set it up. We will give you a place to bring your things and just what you have to tell us is whether you need electricity, whether you are going to be serving alcohol. They'll have a bunch of

questions on there. If you are going to be bringing, you've got cities that are going to want to cook food and all kinds of stuff. Yeah, there's an application process.

Councilor Aguirre: Thank you.

Mayor Diaz: But one more. We cannot tie the attorney to a particular Code reference, that's more or less it's a statement that, in other words, if we're looking for x, y, z code, say CBD, marijuana and all that other stuff, and we bring up the issue to the attorney in respect to that, we don't want to hear, for example, and that kind of ties that attorney to that decision?

Mr. Belshe: I'm not, ok, I'm going to take my best shot at this one. I think that if there are things that the Council would like to do and you're not sure whether or not it's legal for you to do that, Constitutional for you to do that, if they violate your own code, the attorney is responsible for knowing federal laws, the U.S. Constitution, the State Constitution. They will be able to tell you, here's what you can do with respect to CBD. Here's what you can do with respect to any of the things that you are considering as a Council. They can give you direction on that. That's their job. They can tell you whether something you are considering or not is a violation of any one of those U.S., State Constitution, State Statute, your own Code. Now, with your Code, with respect to that, you can change your Code to fit what you want to do.

Mayor Diaz: Through a process.

Mr. Belshe: Through a process, yes. And that's through adopting up an Ordinance and usually the people that would prepare that Ordinance will, I would highly suggest that that be the attorney that does that. The attorney, at the least, should review whatever you are proposing as an Ordinance.

Mayor Diaz: Thank you. Anymore? No? Thank you.

Mr. Belshe: Thank you. We will be back any time you need us.

Acting Mayor Rogers: Thank you, Tom. Are we going into Executive Session yet?

Vice Mayor Lopez: Mr. Mayor.

Mayor Diaz: Yes.

Vice Mayor Lopez: I'd like to know if I could bring up an issue, #07, Future Agenda Item? Can I do that?

Acting Mayor Rogers: We missed Future Agenda Items.

Mayor Diaz: Let me get there.

Vice Mayor Lopez: May I proceed?

Mayor Diaz: Which number?

Acting Mayor Rogers: Future Agenda Items, you forgot one.

Vice Mayor Lopez: I would like to make sure that I propose that we have a study session, an introduction of each other Council Members. We don't know nothing about each other and yet we are expected to work together. Hopefully to open up the lines of communication, because I think it is imperative that you, Mr. Mayor, that you set the tone and open up the lines of communication so we can respond to you whether it's

something you want to pursue or not, or something that Council or the City, either way. I would like to sit down and be able to discuss our separate issues and we have that discussion so we can get our act together.

Mayor Diaz: Ok, so,

Acting Mayor Rogers: Future Agenda Item.

Mayor Diaz: I wish you two would not make it into a form of motion but let's go ahead and just have it, a study session in that respect at a later meeting, is that, we can do that. Yeah, we can do that.

Vice Mayor Lopez: It gives people a chance to write down their own philosophy and see what kind of goals and objectives they are pursuing as elected officials.

Mayor Diaz: Ok, so that's discussion, it's not a motion, it's just discussion. Thank you. So, we will go ahead and do that at a later date. Do we do the Executive Session now?

Councilor Valenzuela: What about the Fire?

Councilor Flagg: Yeah, what about the Fire?

Ms. Moreno: They're from out of town, so we put them further down on the agenda.

Mayor Diaz: So we are going to do the Fire?

Ms. Moreno: No, no, we're going to follow the agenda. Excuse me, Mayor, if I may. The decision was to keep the agenda as is, the hiring of a City Attorney. The law firm is from out of town, they're from Phoenix, and they have to leave to drive back, so follow the agenda.

Councilor Aguirre: Right, right.

ITEM #10 - EXECUTIVE SESSION PURSUANT TO A.R.S. SECTION 38-431.03(A) (1) (3) (4) (5)

1. PERSONNEL MATTERS - CONTRACT: CITY ATTORNEY

Mayor Diaz: So at this point, I would like to have a Motion to recess the Regular Meeting and convene into Executive Session.

Vice Mayor Lopez: So moved.

Councilor Valenzuela: Second.

Mayor Diaz: All in favor, signify by saying Aye.

Council Members: Unanimous Aye.

COUNCIL IN EXECUTIVE SESSION

Mayor Diaz: I need a Motion to end Executive Session and resume into Regular Agenda.

Vice Mayor Lopez: So moved.

Councilor Flagg: Second.

Mayor Diaz: All in favor, signify by saying Aye.

Council Members: Unanimous Ayes. Pass.

REGULAR SESSION RESUMES

Mayor Diaz: Ok, so the next item is Item #11.

**ITEM #11 - POSSIBLE DISCUSSION AND ACTION REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION;
APPOINTMENT OF CITY ATTORNEY**

Mayor Diaz: What is the wish of the Council?

Councilor Aguirre: Mayor, if I could, I would like to move to give Direction to the City Manager and to the Finance Director to enter negotiations with the firm Pearce Coleman and then report back to us for a decision.

Councilor Valenzuela: Second.

Mayor Diaz: Is there a Second.

Councilor Aguirre: Yes, Valenzuela seconded it.

Mayor Diaz: Oh, sorry, ok, Seconded by Councilor.

Mayor Diaz:

Councilor Valenzuela. Aye.

Councilor Aguirre. Aye.

Councilor Flagg. Aye.

Vice Mayor Lopez. Yes.

Acting Mayor Rita Rogers. Aye.

Councilor Anita Romero. Yes.

Mayor Diaz: Ok, so it passes.

ITEM #12 - DISCUSSION AND DIRECTION REGARDING FIRE DEPARTMENT

Ms. Moreno: Thank you, Mayor Diaz and Council. At the last meeting it was instructed by Councilor Aguirre that we place this item on the agenda as a result of our Public Safety Director and myself conveying to the Council the urgency, I used the word crisis, because it truly is a crisis, in what's going on with the Fire Department. We are at the lowest staffing levels on record. I think it is incumbent upon me to let the Council know, as you have seen my emails to you, when we are down to two or one or less on the staff. I have advised you when the truck is not functioning, so I would like to give you a little bit of background. So, those of you who have been with us can reflect on what you know or don't know, and those of you who are new, you can comprehend and get a full picture on what has happened over the last decade. I have prepared a statement for you so I can make sure everything that has taken place is mentioned here on the record. I can certainly fact-check it if you need me to, but with that being said, I'll start with, so due to the financial constraints over the past decade, the City of South Tucson Fire Department budget has been reduced while relying on reserve firefighters who are full time with other agencies to staff the calendar, which is 24 hours a day. A mutual interagency agreement with the City of Tucson was approved in 2010 in an effort to ensure automatic aid in the event of a structure fire. While the National Fire Protection Association requires a four-member crew, the City of South Tucson has staffed a 3-member crew for more than a decade while invoking the IGA when a structure fire is dispatched. Although this method of operation for the Fire Department is unconventional, the

City of South Tucson has prevailed, yet recently has had difficulty finding coverage at minimum two crew members per shift. The Public Safety Director Denogean and I meet daily to review the daily calendar to ensure that there is at least two personnel on duty to respond to medical calls. As of the month of December, we have no coverage for the second-half of Christmas Day, which is half of the day, and then we have no coverage all day for December 26th, as well as no coverage New Years' Day. There have been several occasions between shifts where there is no coverage at. Some of the challenges for coverage is caused by reserve firefighters accepting full time employment at other agencies and the inability to pay comparable wages. In cases where the Fire Department struggles with staffing the daily schedule, their current IGA, which is an Intergovernmental Agreement, if I may, with the City of Tucson, does not guarantee assistance of medical related calls. And these critical incidents where there is no reserve firefighters who are not available to work, this results in a call from our Chief to be at the mercy of AMR. AMR is the Ambulance Medical Response, to arrive within 20 to 30 minutes for medical aid after a call has been dispatched. So you can visualize, you know, a call comes in and it takes about 20-30 minutes for the AMR to arrive in these instances where there's no coverage. As it relates to equipment, we have two fire engines. The first engine is known as engine #141, which is a 1996 Pierce, the second engine which is Engine 142, is a 2002 T-300. In accordance with the National Fire Protection Association, the life of a fire engine should not exceed ten years. These two are far beyond their life, which translates into costly repairs to keep them in operation. The costs are so much that we have hired an on-call mechanic who specializes in this equipment to be available at a moment's notice due to the urgency of having these vehicles repaired. With the age of the fleet come costly, more invasive repairs where the apparatus must be sent out to a local vendor who can service heavy equipment. A new engine with all the added features would cost approximately \$1,000,000 and we would need to replace both of the ones that we have on the fleet. As of recently and at the direction of the former Mayor, I sent a letter to the City of Tucson which I have emailed all of you dated September 15, 2022, outlining a proposal for full level of services that include both medical and fire response to the City of South Tucson. And that has come to a pause due to the recent Council election. So that was put on hold. Staff has determined that this would be the most cost effective and seamless option. Additionally, this option would reduce the City's exposure to liability and address the crisis we are currently experiencing. The alternative would be to strain the City's finances. The alternative would be looking at our budget, seeing the costs associated to pay for fully staffed operation. That would strain the City's finances and deplete the City's reserves by implementing the scenarios that the Finance Director has sent a memorandum to you already dated December 2nd. So as you will recall, she will go over that with you here shortly, but there was an e-mail sent to December 2nd with scenarios on how much it would cost to staff the Fire Department with Reserves and the Captains at three per shift, and then there's the scenario two, which is four per shift. This will include a breakdown of the cost of scenarios for staffing in the Fire Department at minimal optimal levels. Please note that the scenarios that Lourdes will go over right now with you do not account for the replacement of obsolete equipment or the long-term pension debt that these scenarios would add to the City. So I understand that this is a sensitive topic, I know that we all love to have a Fire Department. I wish we could have had that conversation ten years ago where the City could have, you know, started talking about a way to address the needs at the time. However, you know the reason we're within, like the time I don't know, but here we are today. So with that being said, this is this decision basically boils down to finances and of course what is best for the public safety. With that I'll turn it over to Lourdes so she can go over the scenarios of the costs associated with staffing the Fire Department at half service and optimal level of service. Again this does not include what it would cost to replace the aged equipment which is over 25 years old.

Ms. Aguirre: Thank you City Manager, good evening, Mr. Mayor and members of the Council. Yes, Mayor and Acting Mayor Rogers, that memorandum you have in your hand is the one we'll be referencing today and in fact, what I had done is actually reprinted it for you all to review today, so it's the same information that was provided on December 2nd. What I've included on the cover here is just a really a brief memorandum letting you know what the memo contains and also, you know, I'd like to brief you guys and remind you guys why we're discussing things. So you may recall during the meeting of December 12, that's when I mentioned to you all that this memorandum had been issued. And also that was when Councilor Aguirre had requested that Fire Department services be placed on a future agenda for further discussion and direction. So that's why we're talking about it at this point in time. That said, we'll go over some of this information, so there's a lot being covered in this memorandum, but I want to direct you all to page #4, because that's the one that has to do with the scenarios for Fire Department, so page #4. On the upper right-hand corner it says Outline page #2. Currently your budget for the Fire Department was adopted at \$1,045,000, \$1,045,000, and the budget is posted online for everybody to reference. Even the personnel roster is listed there. So it gives you a really good idea of what types of hours are covered for reserves, what types of positions are included in these benefited positions. \$1,045,000, that's the current budget. Now I was directed to calculate the cost for various scenarios, so now, Scenario #1. What would it cost to increase staffing levels to instead of one full timer per shift with two reserves, make it three full timers per shift. And mind you, there are three shifts, year-round, three shifts, so that would be a total of nine full time employees. The cost of increasing and let me also mention that the three per shift, that is the minimal requirement, it's minimal, that's still not meeting standards, optimal standards, so minimal requirement nine full timers. The cost of carrying that out would be \$1,000,000. So add \$1,000,000 to your already \$1,000,000 budget. That's what it would cost. Total cost \$2,093,000 and like the City Manager mentioned, that doesn't include the cost for replacing equipment. It doesn't include the cost of leasing, doing a lease purchase for fire engines, which she already mentioned would run at about \$1,000,000 each. So that's scenario #1, increasing to three full timers. Now Scenario #2, what would it cost the City to staff at optimal levels, meet the standards of four people per shift. The cost of increasing staffing levels to four people per shift is not \$1,000,000, but \$1.7 million. So add that to your current budget of \$1,000,000 and the full cost becomes \$2.7 million. And that's again to staff it at optimal levels, meeting the standards, but you're still not out of the woods because there's still some risk liability there, because the City doesn't have the money for equipment replacement. That's not calculated in here. So we've given you current budget \$1,000,000. Scenario #1, which is minimal staffing, \$2,000,000. Scenario #2, which is optimal staffing, \$2.7 million. Now Scenario #3 would be to explore a cost-effective option that would include full service to South Tucson and eliminate the need for further investment in the replacement of equipment. Of course, the best recommendation is any cost-effective option that helps reduce the City's exposure to liability. So if there's any option out there that Mayor and Council would like for the City to explore that is certainly more cost effective than \$2,000,000 or \$2.7 million, which would be, as the City Manager mentioned, really straining on the City's budget. That's something for you all to consider. That's Scenario #3. So again, you know, we're given a task, we go, we calculate the numbers, come back to you all with scenarios for you all to discuss and direct staff. At this point I think just wanted to keep it brief, wanted to summarize it all. I have had the opportunity to convey this information and memo to you all before, you know, since the 2nd of December, and I think that this is the information we're going to keep on building.

Acting Mayor Rogers: Mr. Mayor, I have to ask, I don't know, I don't understand Scenario #3. I've got the other two scenarios, one and two, but I don't understand Scenario #3.

Ms. Aguirre: Mr. Mayor and Acting Mayor Rogers, when I wrote this memorandum, I just included Option 3, pretty vague, OK. If there's an option that's more cost effective, and you guys want us to explore that, direct us, however, now defaulting to what City Manager mentioned, she gave you all a lot more information about what her direction was under the previous Mayor. Under the previous Mayor she was instructed to look at different options for a time like this, to come and be prepared to give Mayor and Council options that they can actually move on. And so that's really what it is, which she referenced before. She mentioned having established communication with another city. And so that's really what's involved with Scenario #3.

Vice Mayor Lopez: Mr. Mayor.

Mayor Diaz: Vice Mayor.

Vice Mayor Lopez: Yes, I would like to make a motion to explore, to explore an enactment of invoking an emergency to address the crisis in the Fire Department.

Mayor Diaz: Say that again.

Vice Mayor Lopez: OK, a motion to explore the enactment of invoking an emergency to address the crisis in the Fire Department.

Councilor Valenzuela: I Second that.

Vice Mayor Lopez: And the reason why I think it's very critical that the lack of -

Mayor Diaz: Well, we have motion and a Second, so we go into discussion. The reason?

Vice Mayor Lopez: The reason is because the lack of staffing, the broken-down fire trucks, I mean, those are two good reasons to figure out what are our options and #3, because we already have the figures for number one and two, but we don't know where the number three might be less.

Acting Mayor Rogers: It was Scenario #3 that I asked about.

Vice Mayor Lopez: And then also I would like to make another motion to direct the staff to proceed on Scenario #3.

Acting Mayor Rogers: You can't do two motions at once.

Vice Mayor Lopez: So that they can get some estimates and figures in order for them to be able for us to be able to compare the prices that are already listed here on Item #4.

Councilor Flagg: I would second that motion.

Councilor Rogers: We already had a Second on the other thing.

Mayor Diaz: We already have a Second on the first part.

Councilor Valenzuela: So let's vote on the first motion.

Mayor Diaz: Hold on just a second. If you would restate your motion to include the second part of the motion, would be better.

Vice Mayor Lopez: Ok, alright.

Councilor Flagg: Ok, that's alright.

Vice Mayor Lopez: I will make a motion to explore the enactment of invoking an emergency to address the crisis in the Fire Department and a motion to direct staff to proceed with Scenario #3.

Councilor Flagg: That's good.

Councilor Valenzuela: Second.

Mayor Diaz: Motion and a Second, is there any more discussion on this?

Councilor Aguirre: I'd just like to just clarify, because I feel like Council Member Rogers is still struggling with, so Scenario #3 is what we are asking them to explore for us. So we have a third option because these two options right now are not really plausible for our City.

Mayor Diaz: Well, I'd like to add also to that. I think the other options of maybe the City going with a fire district be explored also and also the option of a secondary property tax to be explored as how much it's going to cost and also the other option of a .02% sales tax increase as part of the discussion and so forth. Those are, those options does give the residents the opportunity to decide for themselves if they want to go to a fire district or want something else. So you know, it's just really up to the people to decide and tell us what they really want. And so that's part of the discussion. It's not part of the motion, so I think that you when the motion is made and considered, that gives you also an option to have a secondary motion to have other options explored. Thank you. So is there any more discussions on the, on the motion and Second?

Vice Mayor Lopez: Well Mr. Mayor, I think we should not be discussing raising any kind of fees, taxes or whatever in the Community because we don't even know where we're going, you know. But if we get estimates and just like the figures that are in Page #4, then at least we got something to compare with other than nothing. And right now we have nothing in #3 but we are pushing to see and explore, but I don't think that we should be raising taxes.

Ms. Moreno: Mayor, members of the Council. Let me just put it on the record that it is the Council's fiduciary responsibility to ensure that its community is receiving optimal level of services. We're not getting that right now. The City has the ability to pay for the fire services and whatever method you choose, the one that is #3, I think, we are in a crisis. We don't have the time to go shopping. This is your community, this is public safety.

Councilor Flagg: Yes.

Ms. Moreno: So what are you all going to do? Are you going to wait longer for the truck to break down again, tomorrow? Are you going to wait another day for no one to be on the staff? I don't know. All I know is myself and the Chief deal with this every single day and I know he deals with it from the Fire Department and they, them being here today, I appreciate them being here because that's their concern. Maybe they have other ways to deal with it, but all we have is the budget and the limits within that budget. So what are we going to do today to address the crisis? Are we going to wait next week, next year, and then the liabilities cast on the front page of the newspaper? I don't think so.

Councilor Flagg: Right on. Yes.

Ms. Moreno: So it is my job to let you know that something needs to be done. Something needs to be done. We have been waiting long enough. We have been waiting long enough.

Mayor Diaz: Excuse me,

Ms. Moreno: So ultimately, it's up to the Council to give the direction you want to give us. We give you the scenarios within the confines of our budget. You will hear the Finance Director tell you that the savings will be depleted, but I think having the ability to look into exploring an emergency, invoking emergency clause is one way to put the City in the right direction while simultaneously looking for a long-term solution, unless the City Council can come up with \$2.7 million today.

Mayor Diaz: Excuse me.

Acting Mayor Rogers: Could you ever let the Fire Chief speak?

Ms. Moreno: No, we can't do that.

Mayor Diaz: Excuse me, but I'm sorry. We're discussing the issue within the Council. So it's not allowed for the audience to speak on this, but again, it's pretty obvious that the Fire Department have not had their say in this as far as their organizations or anything because of some procedural matters that have to occur before that. They can present their side of the story, but their story can be done at a call to the audience at this time, if not, they can take an official request to be on the Council to give you their side of the story. So and this again is part of the discussion on the motion so,

Vice Mayor Lopez: Mr. Mayor, there's no need for them to do it. We already know what they do and don't do, and showing up for work is one of those things that they don't do. OK, so why keep on beating around the bush when we can resolve the issue and focus on something that's going to move us forward? I mean, all we want to do is just agree that we're going to pursue it. You went off in the tangent on raising taxes and doing this and doing that, and that is not part of the program here. That is another issue that will come later on.

Councilor Flagg: Yeah.

Acting Mayor Rogers: OK, Mr. Mayor and Mr. Vice Mayor, please don't be talking like the Mayor is not doing his job.

Mayor Diaz: Thank you, ok, so any more discussion?

Councilor Flagg: Yeah, I would just like to say, you know, those guys do show up for work. They're here, you know, they're showing interest, so I just like to point that out, but I totally agree with you on everything else, you know.

Mayor Diaz: Councilor Aguirre.

Councilor Aguirre: Yeah, I'd just like to say that I feel like we're just spinning wheels here. I think that we need to vote on the motion moving forward here, and which is so that staff can explore other cost-effective options which would include any negotiations that were happening before we came into office with other municipalities and any other creative ideas or ways that they might be able to bring to the table. So I'd like to just move forward and go ahead and vote on the Motion that was brought forward by Herman. Thank you.

Acting Mayor Rogers: Would someone please, Mr. Mayor, read the motion please, clearly.

Mayor Diaz: Read the motion clearly?

Ms. Moreno: If I can recall his words, Mayor and Vice Mayor Lopez, you said that you'd like to make a motion directing staff to initiate an emergency?

Vice Mayor Lopez: An emergency to address the crisis in the Fire Department, and Motion to direct staff to proceed with Scenario #3.

Councilor Flagg: Yeah.

Acting Mayor Rogers: But we don't know what #3 is.

Mayor Diaz: Ok, so we have a Motion and a Second.

Councilor Flagg: So ask the question.

Mayor Diaz:

Councilor Valenzuela. Aye.

Councilor Flagg. Yes.

Councilor Aguirre. Yes.

Vice Mayor Lopez. Yes.

Acting Mayor Rita Rogers. Aye.

Councilor Anita Romero. Aye.

Mayor Diaz: So Motion passes.

ITEM #13 - DISCUSSION, DIRECTION AND POSSIBLE ACTION REGARDING CITY CODE AMENDMENTS TO CITY OF SOUTH TUCSON CITY CODE; CHAPTER 2 - ADMINISTRATION, ARTICLE I - IN GENERAL, SECTION 2.19 - AGENDA

Mayor Diaz: That's the agenda item and in regards to the agenda item, I will accept discussion, but as far as direction and possible action we cannot do that because it's a process to do the rest. You need to follow the process.

Councilor Valenzuela: Mayor, and what is that process?

Mayor Diaz: Excuse me?

Councilor Valenzuela: What is that process you are speaking of?

Mayor Diaz: The process, it's a legislative process.

Councilor Valenzuela: Mayor, so our last Council meeting we passed a motion to put this on the agenda and discuss the possible action. So what process are you talking about? What are we missing here? Why can't we take action?

Mayor Diaz: So the agenda item that you requested was the 2-24, I think. And now you're asking for 2.19. And I direct you to the legislative part, 2.34.

Councilor Valenzuela: So you are correct and that that's not the motion that was passed, 2.19. It should have been 2-34. I think it's just an agenda, like just a mistake, a typo, but what was passed was for 2-34 and that's the item I'm ready to make a motion on.

Mayor Diaz: So repeat that again.

Councilor Valenzuela: So this is the typo, there's a typo on the agenda is what I'm saying.

Mayor Diaz: Typo? Which agenda?

Councilor Valenzuela: The one that is in front of you. So it should say 2-34, 2-34 of Chapter 2.

Mayor Diaz: So well, why are we not, why do we not have the rest of that 2-34?

Councilor Valenzuela: I'm not sure, but we can continue discussing this because it was passed in our last meeting and it should have been on here and that's exactly why I wanted to talk about this, because already in my experience you did not put something that was passed by the Council on the agenda and that's why I want to make it crystal clear that any one Council member can agendaize.

Mayor Diaz: OK. You are correct in that it was not on the agenda. You are correct that the process after the motion has passed that has passed on to the agenda is due to the business that we have in front of us. So because it was changed to 2-19 as a typo error, it's still needed to be corrected and presented to myself and to the City Manager that it should be on the agenda. So when you did that on Friday, the part of the legislative part requires it to be presented to a City Attorney.

Councilor Valenzuela: We don't have a City Attorney.

Acting Mayor Rogers: So we have to wait.

Mayor Diaz: So,

Councilor Valenzuela: But it was, we previously as a Council passed that it was going to be on this agenda.

Mayor Diaz: Now there's a rule that we can discuss it, but we cannot move forward on it.

Councilor Flagg: Well, you know, like the king or the dictator, it's like you know we made a motion and a good deal.

Mayor Diaz: It's again, it's the fact that, if you're ever going to make a comment, please let me wait and do it clearly so everybody can understand. Now what was your comment, Councilor Flagg?

Councilor Flagg: Well what she said, I'm backing up what she said. It was on the agenda. We should deal with it. I think you are acting like a king or dictator if you say we can't deal with it.

Mayor Diaz: I'm not a dictator.

Councilor Flagg: You're overstepping your bounds.

Mayor Diaz: No. Excuse me, but you need to respect the fact that it's still our agenda reflecting the City as a whole, and the part of 2-34 is the legislative part that needs to be done correctly. That's what I'm saying.

Councilor Flagg: Should we bring it back?

Councilor Valenzuela: Yes, so Mayor,

Ms. Moreno: I would just like to make one comment. I put Section 2-19 because this is the section of the Code that references the agenda. So I think for purposes of moving forward with what you want to do, Councilor Valenzuela, move forward with your discussion and I think hopefully by next Council meeting we will

have an attorney to make any correction, whether they be clerical or verbal or whatever, mishaps happen right here can be done after tonight, so if you want to use the 2-19 as a reference for tonight, I would do that and then follow up at the next meeting when we have legal counsel present. So use that as your opportunity to do what you would like to do, or you know in whatever format you would like to do it. That would be my recommendation, Mayor. I think it's a matter of clerical, but I think she can use this opportunity to still do what she wants to do.

Councilor Aguirre: If I may, Mayor.

Mayor Diaz: Go ahead.

Councilor Aguirre: And I guess this is kind of a question because I think you might know the answer to it, Veronica, but could the motion be made -

Mayor Diaz: No, wait, wait, wait, wait.

Councilor Flagg: He's talking, he's talking.

Councilor Aguirre: I'm not making a motion, this is discussion. I just wonder if there's a motion that could be made to address this once, once the attorney is in and once we do have an attorney. In other words, that we give direction now that amendments be drafted once our City Attorney, once we hire a City Attorney. So I move that there be an amendment drafted by our City Attorney once we have one installed, if I could get a second.

Councilor Flagg: I would second that.

Acting Mayor Rogers: I would move to table.

Mayor Diaz: Ok, so it's been moved and Seconded. Repeat it.

Councilor Aguirre: That that, that the section be amended by the City Manager, be drafted by the City Manager. I'm sorry, excuse me, let me take that back. I meant the City Attorney. I misspoke. My bad. I'm sorry, that an amendment be made by the City Attorney once we have hired a City Attorney. That is my Motion.

Mayor Diaz: Thank you, and a Second, so is there any more discussion on that? Hearing no discussion, Councilor Valenzuela.

Councilor Valenzuela: There is discussion from my end. So I just wanted to clarify since we are here now and since this is on the agenda for Section 2-19, that any Council member can agendize through the Clerk or City Manager, until we're able to amend with an attorney, is that correct? OK, that's what this Section 2-19 basically is saying. I just wanted that clarification, so it won't be ignored or taken off by the Mayor. No, no further discussion.

Mayor Diaz: So that is still part of the discussion.

Councilor Valenzuela: I said no further discussion. I'm voting with the with Cesar's motion. I said Aye. Aye, yes.

Mayor Diaz:

Councilor Valenzuela. Aye.

Councilor Aguirre. Yes.

Councilor Flagg. Yes.

Vice Mayor Lopez. Yes.

Acting Mayor Rita Rogers. Abstain.

Councilor Anita Romero: Abstain.

Councilor Rogers: You have to vote.

Mayor Diaz: I guess I would vote no on this.

Councilor Flagg: A point of order, does the Mayor vote on, unless it's a tie, unless they break a tie?

Acting Mayor Rogers: Yes, they do. Seven out of seven have a right.

Mayor Diaz: It's all Council people.

Councilor Flagg: I gotcha, I gotcha.

Mayor Diaz: So the vote passes 4-3.

ITEM #14 - ADJOURNMENT

Mayor Diaz: OK, do I hear a Motion to Adjourn?

Acting Mayor Rogers: So moved.

Vice Mayor Lopez: Second.

Mayor Diaz: All in favor signify by saying Aye.

Council Members: Unanimous Aye.

Mayor Diaz: Aye.

The meeting adjourned at 8:40 p.m.

Mayor

ATTEST:

Veronica Moreno, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Agenda Meeting of the City Council of South Tucson, Arizona, held on the 6th day of December, 2022. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2022.

Veronica Moreno, City Clerk